

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 3, 2009

Charles R. Fulbruge III
Clerk

No. 08-60377

Summary Calendar

KENNY F EDMONSON

Plaintiff-Appellant

v.

TOM S LEE; DAVID BRAMLETTE, III; WILLIAM H BARBOUR, JR; WALTER
J GEX, III; DAN M RUSSELL, JR; SUL OZERDEN; DANIEL P JORDAN, III;
KEITH STARRETT; LOUIS GUIROLA, JR; HENRY T WINGATE; JUDGE
JOHN M ROPER; JAMES C SUMNER; ROBERT H WALKER; JUDGE
MICHAEL T PARKER; JUDGE LINDA R ANDERSON

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:08-CV-149

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Kenny F. Edmonson appeals the dismissal of his 42 U.S.C. § 1983 complaint against the judges of the Southern District of Mississippi. The district court dismissed his suit as frivolous and certified that his appeal was not taken in good faith. Edmonson challenges the district court's certification decision

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

pursuant to *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997), and he requests that this court grant him authorization to proceed IFP on appeal.

Edmonson reiterates his claims concerning a conspiracy by the judges of the Southern District of Mississippi to deny him his constitutional rights by dismissing his complaints. His claims are unavailing because they are based on no more than his own conclusory allegations. *See Babb v. Dorman*, 33 F.3d 472, 476 (5th Cir. 1994). Edmonson has failed to show that he will raise a nonfrivolous appellate claim. *See Baugh*, 117 F.3d at 202; *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Consequently, his motion to proceed IFP on appeal is denied, and this appeal is dismissed as frivolous. *See 5TH CIR. R. 42.2; Baugh*, 117 F.3d at 202 n.24.

The dismissal of this appeal as frivolous counts as a strike for purposes of 28 U.S.C. § 1915(g), as does the district court's dismissal of Edmonson's suit as frivolous. *See Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996). Edmonson also earned strikes in previous suits. *See Edmonson v. McMillin*, No. 3:06-CV-693 (S.D. Miss. May 9, 2008); *Edmonson v. Ishee, et al*, No. 2:07-CV-46 (S.D. Miss. Dec. 18, 2007). Because Edmonson now has accumulated at least three strikes, he is barred from proceeding IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g).

IFP MOTION DENIED; APPEAL DISMISSED AS FRIVOLOUS; 28 U.S.C. § 1915(g) BAR IMPOSED.